IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7749 OF 2004

Dattu M. More & Ors. ..Petitioners

vs.

Spl. Land Acquisition Officers and Ors. ..Respondents

Shri S.J.Rairkar, Advocate for the Petitioner.

Mr.C.R.Sonawane,AGP, for the Respondent Nos.1 to 3.

Mr. Vijay Patil for Respondent No.4

CORAM : F.I.REBELLO & S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

P.C. :

1. Award in respect of acquisition of the petitioners land was made in the year 1986. Possession has been taken and compensation paid. Respondent No.4 is in possession of the property. The petitioner purportedly challenged that by way of a petiton with Writ Petition No.6031 of 2002

which was disposed of on 19.3.2003 with liberty to the petitioner to file application under section 48(1) of the Land Acquisition Act. That has been rejected.

2. Once possession of the land is taken, there is no power under the Land Acquisition Act to hand back the posession to the party from whom the land is acquired. Even otherwise, considering the judgment of Apex Court in case of Municipal Corporation Ahmednagar and Another V/s. Shah Munder Beig and Ors reported in AIR 2000 SC 671 , once the award is made, that award can not be the subject matter of a challenge, more so, after so many years. Hence the petition is rejected.

(F.I.Rebello, J.)

(S.P.Kukday, J.)